

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4

5 IN RE APPLE INC. SECURITIES
6 LITIGATION

Case No. C06-05208-JF

CLASS ACTION

7
8 **SECOND SUPPLEMENTAL DECLARATION OF CLAIMS ADMINISTRATOR**
9

10 I, ROBERT OSEAS, declare as follows:

11 1. I am a Project Manager employed by Epiq Class Action and Claims Solutions Inc.,
12 (“Epiq”), f/k/a Poorman-Douglas Corp., the Claims Administrator designated in the Amended
13 Stipulation and Agreement of Settlement in this matter and approved by the Court in its Amended
14 Order Preliminarily Approving Settlement, Directing Notice of Settlement, and Scheduling
15 Settlement Fairness Hearing (“Amended Preliminary Approval Order”). *See* Doc. 134-1 at ¶1.6
16 and Doc. 139 at ¶8.

17 2. I am overseeing and am fully familiar with the notice implementation actions
18 taken by Epiq in connection with the Settlement, as described below. This Declaration is based
19 upon my personal knowledge and information provided to me by associates and staff under my
20 supervision and is accurate and truthful to the best of my knowledge.

21 3. I submit this declaration as a supplement to my declarations of January 7, 2011
22 and February 4, 2011 (both attached hereto as **Attachment A**) to further describe and provide
23 proof of the administrative activities conducted after February 3, 2011. I respectfully refer the
24 Court to my previous declarations for details about the notice program and the claims
25 administration process through February 3, 2011.

26 **MAILING OF THE NOTICE AND PROOF OF CLAIM**

27 4. As of February 23, 2011, a total of 1,221,135 copies of the Notice and Proof of
28 Claim have been mailed to potential Class Members or their banks, brokers or other nominees.

1 Some copies of the Notice and Proof of Claim have been returned as undeliverable. Epiq has
2 attempted to re-mail the Notice and Proof of Claim to a different address, but approximately
3 55,715 records remain undeliverable.¹

4 5. As stated in my Supplemental declaration, as of February 3, 2011, Epiq received
5 correspondence from three individuals who claim to have received the Notice and Proof of Claim
6 on or shortly before January 21, 2011. On or about February 16, 2011, Epiq received an
7 exclusion request from Silvia and Jobst von Bruchhausen, dated February 8, 2011 (attached
8 hereto as **Attachment C**). The von Bruchhausens appear to reside in Germany and state that they
9 received the "Proof of Claim" on January 26, 2011. They also state have that they have no
10 knowledge of having purchased or sold Apple stock. As of February 23, 2011, Epiq has not
11 received any other correspondence or telephone calls from any Class Member who has indicated
12 concern regarding the timeliness of the Notice.

13 **OTHER CONTACT WITH BANKS, BROKERS AND NOMINEES**

14 6. Since February 3, 2011, Epiq has continued to reach out to banks, brokers and
15 nominees and encourage them to complete their research for the notice process or to remind them
16 of the various deadlines established by the Court. Epiq has focused on the ten entities who are
17 historically among the largest claim filers in similar Class Actions, though Epiq has worked with
18 other banks, brokers and nominees by phone or e-mail, as well. We have been advised by several
19 nominees that they intend to file claims on behalf of their clients before the March 15, 2011 Proof
20 of Claim deadline.

21 **TOLL-FREE TELEPHONE NUMBER, EMAIL ADDRESS AND WEBSITE**

22 7. As stated in my previous declarations, Epiq created and continues to maintain a
23 toll-free information line which, in addition to providing recorded information about the
24 Settlement, allows callers to speak with a live representative or request a Notice and Proof of
25 Claim. As of February 23, 2011, Epiq has received 3,143 calls to the toll-free number. Of these
26 callers, 1,479 have chosen to speak with a live representative, and 96 callers have requested
27

28 ¹ A summary of the figures discussed in this and my previous declarations is attached hereto as
Attachment B.

1 copies of the Notice and Proof of Claim.

2 8. Epiq also established an email address, questions@applesecuritiessettlement.com,
3 for Class Members and other interested persons to contact the Claims Administrator. As of
4 February 23, 2011, Epiq has received 507 emails.

5 9. As stated in my previous declarations, Epiq established and continues to maintain
6 a settlement website, www.applesecuritiessettlement.com.

7 10. On February 8, 2011, Epiq made the following additional documents accessible
8 through this website:

- 9 • Lead Plaintiff's Reply in Support of Motion for Final Approval of Class
10 Action Settlement and Plan of Allocation and Application for Attorneys' Fees
11 and Reimbursement of Expenses
- 12 • Exhibit A to Lead Plaintiff's Reply
- 13 • Apple Inc.'s Reply in Support of Motion for Final Approval of Class Action
14 Settlement and Plan of Allocation
- 15 • Declaration of Vivi Lee in Support of Apple Inc.'s Reply in Support of Motion
16 for Final Approval of Class Action Settlement and Plan of Allocation

17 As of February 23, 2011, this website has been accessed by 18,261 visitors.

18 **REQUESTS FOR EXCLUSION**

19 11. Epiq has designated a post office box address to receive correspondence about the
20 Settlement from Class Members, including Requests for Exclusion. The Notice directs that all
21 Requests for Exclusion be postmarked no later than January 21, 2011. As stated in my previous
22 declaration, as of February 3, 2011, Epiq had received 19 Requests for Exclusion. On February
23 16, 2011, we received one additional Request for Exclusion from a potential Class Member (the
24 von Bruchhausens' request mentioned in Paragraph 5 above). Thus, as of February 23, 2011,
25 Epiq has received 20 Requests for Exclusion. Under the Amended Preliminary Approval Order,
26 Class Members who wish to be excluded are directed to identify the date(s), price(s) and number
27 of shares of all purchases and sales of Apple common stock made during the Class Period. Of the
28 20 potential Class Members who have requested exclusion, two potential Class Members—

1 including the von Bruchhausens— have indicated that they made no purchases of Apple common
2 stock during the Class Period, and seven have not included information about their purchases or
3 sales. The remaining 11 Class Members have reported purchases totaling 3,425 shares and
4 reported sales totaling 590 shares. An updated list of each potential Class Member requesting
5 exclusion, as well as the number of shares reported purchased and sold by each, is attached hereto
6 as **Attachment D**.

7 PROOFS OF CLAIM

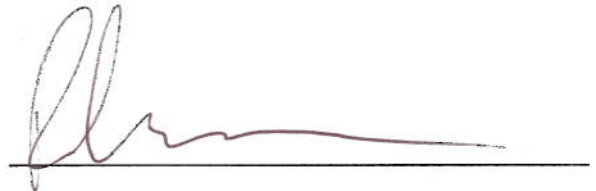
8 12. Epiq has designated a post office box address for the Settlement to receive Proofs
9 of Claim. This address appears on the Proof of Claim, Notice, and website, and is available
10 through the toll-free telephone line. Class Members and nominees also have the option to submit
11 their Proofs of Claim and supporting documentation electronically at
12 www.applesecuritiessettlement.com. As stated in my previous declaration, as of February 3,
13 2011, Epiq received a total of 18,653 Proofs of Claim. Since February 3, 2011, Epiq has received
14 an additional 10,387 Proofs of Claim, for a total of 29,040 as of February 23, 2011. These 29,040
15 Proofs of Claim purport to represent purchases of over 603 million shares of Apple stock during
16 the Class Period. 17,676 Proofs of Claim were submitted via the post office box, an additional
17 2,330 were submitted by individual Class Members via the website, and 9,034 were submitted
18 electronically by banks, brokers or other nominees.

19 CLAIMS PROCESSING

20 13. Epiq has begun to process Proofs of Claims and follow up with Class Members
21 regarding deficiencies. As of February 23, 2011, Epiq has processed a total of 27,531 Proofs of
22 Claim. Of this total, 5,242 claims have been found to have one or more unresolved deficiencies.
23 22,289 Proofs of Claim have no unresolved deficiencies, though 9,027 Proofs of Claim have been
24 flagged for further review. As of February 23, 2011, Epiq has completed a manual review of
25 4,836 Proofs of Claim.

26 14. Epiq has estimated the Recognized Claim according to the Plan of Allocation for
27 27,531 of the 29,040 Proofs of Claim submitted to date. As of February 23, 2011, Epiq's
28 calculations show the following: (i) 21,267 Proofs of Claim have a Recognized Claim of zero

1 (\$0.00); (ii) 192 Proofs of Claim have a Recognized Claim greater than \$0.00 but less than \$5.00;
2 and (iii) 6,072 Proofs of Claim have a Recognized Claim greater than \$5.00. In aggregate, these
3 6,264 Proofs of Claim represent \$9,373,772.13 in value of Recognized Claims. Epiq will
4 continue to process Proofs of Claim as they are received in accordance with the Plan of
5 Allocation.

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8 

9 Robert Oseas

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11 Subscribed and sworn to before me this 23rd of February, 2011.

12
13 

14 NOTARY PUBLIC

15
16 My Commission Expires: 11/23/12

